

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA
NORTHERN DIVISION

FILED

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CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MIKE BISHOP, MARK BELOTE,
VERNON RENVILLE, DAMIEN
REXRODE, MIKE EVANGELISTA,
and JEREMY HOEFS,

Defendants.

CR 12-10027

INDICTMENT

CONSPIRACY TO VIOLATE THE
LACEY ACT BY TAKING, SELLING
AND TRANSPORTING WILDLIFE IN
VIOLATION OF STATE AND
FEDERAL LAW, FALSE LABELING
OF WILDLIFE, and AIDING AND
ABETTING

18 U.S.C. §§ 371 and 2;
16 U.S.C. §§ 703, 707, 707(a),
707(a)(2), 3372(a)(1), 3372(a)(2)(A),
3372(c)(1), 3372(d), 3372(d)(2),
3373(d)(1)(B), and 3373(d)(3)(A)(ii);
SDCL 22-3-3, 41-6-18.1, 41-11-2,
41-11-4, and 41-11-8; 50 C.F.R.
20.24, 20.33, 20.36 and 20.37

The Grand Jury charges:

COUNT I

Introduction.

That at all times material to this Indictment:

1. Mike Bishop was the majority owner and operator of the waterfowl hunt outfitting business known as Windy Hill Outfitters, with a hunting lodge located near Roslyn, South Dakota, in the Northern District of South Dakota.

2. Mark Belote, Vernon Renville, Damien Rexrode, Mike Evangelista, and Jeremy Hoefs were employed as hunting guides and worked for Mike Bishop and Windy Hill Outfitters.

3. The Lacey Act Amendments of 1988 (Lacey Act), Title 16, United States Code, Sections 3372(a)(1), make it unlawful, among other things, for any person to sell, purchase, transport, receive and acquire wildlife taken,

possessed, or transported in violation of any law, treaty or regulation of the United States or Indian Tribal Law. 16 U.S.C. § 3372(a)(1).

4. The Lacey Act Amendments of 1988 (Lacey Act), Title 16, United States Code, Sections 3371-3378, make it unlawful, among other things, for any person to make or submit any false record, account, or label for, or any false identification of, any wildlife which has been, or is intended to be transported in interstate commerce. 16 U.S.C. § 3372(d)(2).

5. As pertinent here, the Lacey Act defines, in relevant part, the terms "fish or wildlife" to mean "any wild animal"; "taken" to mean "captured, killed, or collected"; and "transport" to mean "to move, convey, carry, or ship by any means or to deliver or receive for the purpose of movement, conveyance, carriage, or shipment." 16 U.S.C. §§ 3371(a), (l), and (j). In addition, under section 3372(c)), the Lacey Act defines sale as: "It is deemed to be a sale of fish or wildlife in violation of this chapter for a person for money or other consideration to offer or provide (A) guiding, outfitting, or other services; or (B) a hunting or fishing license or permit; for the illegal taking acquiring, receiving, transporting, or possessing of fish or wildlife."

6. The Migratory Bird Treaty Act, Title 16, United States Code, Section 703, makes it unlawful for any person to pursue, hunt, take, capture, kill, attempt to take, capture, or kill, possess, offer for sale, sell, offer to barter, barter, offer to purchase, purchase, deliver for shipment, ship, transport or cause to be transported, any migratory bird, any part, nest, or egg of any such bird, or any product, which consists, or is composed in whole or in part, of any such bird or any part, nest, or egg thereof, included in the terms of the conventions between the United States and Great Britain for the protection of migratory birds.

The Conspiracy.

From on or about October 19, 2008, and continuing through November 19, 2009, both dates being approximate and inclusive, in the District of South Dakota and elsewhere, Mike Bishop, Mark Belote, Vernon Renville, Damien Rexrode, Mike Evangelista, and Jeremy Hoefs, together and with others, known and unknown to the Grand Jury, did knowingly, willfully, intentionally, and unlawfully combine, conspire, confederate, and agree together, and with other persons, to commit the following offenses against the United States of America, namely: (1) knowingly engage in conduct involving the sale and purchase of wildlife with a market value in excess of \$350, in that on or about between the above-mentioned dates, the Defendants did knowingly sell and cause to be transported wildlife, knowing that said wildlife was unlawfully taken, possessed, bartered, and transported in violation of and in a manner unlawful under the laws and regulations of the State of South Dakota, specifically South Dakota Codified Laws (SDCL) 22-3-3, 41-6-18.1, 41-11-2, 41-11-4, and 41-11-8, and Administrative Rules for South Dakota 41:06:03:02; and the Migratory Bird Treaty Act found at 16 U.S.C. §§ 703 and 707; all in violation of 16 U.S.C. §§ 3372(a)(1), 3372(a)(2)(A), 3373(d)(1)(B), 3372(d)(2), and 3373(d)(3)(A)(ii); and 18 U.S.C. § 2; (2) unlawfully hunt, take, kill, possess, and receive migratory birds, which were not properly tagged in accordance with federal laws and regulations, and did aid and abet others in the unlawful failure to tag these migratory birds, in violation of 50 C.F.R. 20.36 and 20.37; 16 U.S.C. §§ 703 and 707(a); and 18 U.S.C. § 2; (3) unlawfully and without being permitted to do so by regulation, as required by law, did aid and abet the taking of migratory game birds, to wit: ducks, by allowing undercover United States Fish and Wildlife Agents to possess waterfowl, over their possession limits, in violation of, and in a manner unlawful, under 50 C.F.R. 20.33; 16 U.S.C. §§ 703 and 707(a); and 18 U.S.C. § 2; (4) knowingly and unlawfully

submitted false records, accounts, or labels for wildlife, which were intended to be transported in interstate commerce, knowing that said wildlife was unlawfully taken, possessed, and transported in excess of the daily bag limit, in violation of, and in a manner unlawful, under the laws and regulations of the State of South Dakota, specifically SDCL 41-11-4 and 16 U.S.C. § 703; all in violation of 16 U.S.C. §§ 3372(d)(2), 3372(c)(1), and 3373(d)(3)(A)(ii) and 18 U.S.C. § 2 and among the objects of this conspiracy were the substantive offenses charged in Counts II through X of this Indictment, the allegation of which counts are hereby re-alleged. All in violation of 18 U.S.C. § 371.

The Grand Jury charges in furtherance of this conspiracy, and to accomplish the objects thereof, the Defendants, at the time and place set forth, did commit the following acts:

The Manner and Means.

1. It was part of the conspiracy that Mike Bishop would book nonresident waterfowl hunters to hunt in South Dakota and that he would charge them a specific fee, of over \$350, for his services as a guide and outfitter. The nonresident hunters would stay at Windy Hill Outfitters Lodge located in Marshall County, South Dakota.

2. It was further part of the conspiracy that Mike Bishop would employ Mark Belote, Vernon Renville, Damien Rexrode, Mike Evangelista and Jeremy Hoefs as guides for the nonresident hunters on waterfowl hunts.

3. It was further part of the conspiracy that Mike Bishop would have clients purchase Sisseton-Wahpeton tribal hunting licenses and would then take the hunters to lands that were not on the Sisseton-Wahpeton tribal lands to hunt waterfowl.

4. It was further part of the conspiracy that Mike Bishop, Mark Belote, Vernon Renville, Damien Rexrode, Mike Evangelista, and Jeremy Hoefs agreed to guide certain nonresident waterfowl hunters, notwithstanding the fact that said nonresident hunters had not obtained the necessary hunting licenses, and to provide for the unlawful possession and transportation of the waterfowl taken.

5. It was further part of the conspiracy that Mike Bishop and others entered into agreements with a business, known as Great Plains Lakes Taxidermy, to have mounted trophies created from the illegally taken wildlife and to have the wildlife shipped in interstate commerce.

6. It was further part of the conspiracy that, in order to further conceal the illegal killing of waterfowl by the nonresident hunters, and to accomplish the interstate transportation of this waterfowl, Defendants Mike Bishop and Damien Rexrode filled out migratory bird tags that falsely declared that the waterfowl were killed on different days to conceal the fact that hunters had exceeded their daily bag limits.

Overt Acts.

In furtherance of the aforesaid conspiracy, and to accomplish the object thereof, Mike Bishop, Mark Belote, Vernon Renville, Damien Rexrode, Mike Evangelista, Jeremy Hoefs, and others known and unknown to the Grand Jury, at the times and places hereinafter set forth, committed the following overt acts, among others, in the District of South Dakota:

1. On or about between November 23, 2008, and November 24, 2008, Mark Belote, Vernon Renville, and Mike Bishop took undercover United States Fish and Wildlife Service Special Agents Dan Coil and Mark Webb to the northeast corner of 442nd and Steiner Road, Marshall County, South Dakota. Guide Mark Belote told Agents Coil and Webb it was "Indian land" and it was

okay to hunt there. It was later determined this area was not Indian land and the licenses the officers possessed were not valid to hunt there. During this two-day hunt, the Agents shot three ducks and Guide Mark Belote shot one Canada goose. Guide Mark Belote did not possess a South Dakota or tribal nonresident waterfowl license. Guide Vernon Renville shot at geese with the Agents and he did not possess a South Dakota hunting license. The three ducks and goose taken were then transported back to Windy Hill Outfitters Lodge. Mike Bishop was paid \$2,700 by the United States Fish and Wildlife Service for this undercover hunt, by the Agents.

2. On or about November 8, 2009, Agents Dan Coil and George Morrison returned to Windy Hill Outfitters Lodge for another undercover waterfowl hunt. The Agents were served wild duck for dinner that night. The Agents had not hunted any ducks prior to this meal. Other hunters eating the meal of duck that day included seven hunters from Pennsylvania, three hunters from Maryland, and three additional hunters from Florida and Texas, as well as the guides. Mike Bishop was paid \$4,500 by the United States Fish and Wildlife Service for this undercover hunt, by the Agents.

3. On or about November 9, 2009, after the morning hunt ended, Agent Morrison observed 11 untagged ducks hanging in the garage at Windy Hill Outfitters Lodge.

4. On or about November 9, 2009, Mike Evangelista, offered Agent Morrison two untagged ducks that had been left behind by a group of hunters from Michigan, who had left Windy Hill Outfitters Lodge earlier in the day.

5. On or about November 9, 2009, Agent Dan Coil observed a bag of duck breasts, without tags, that was marinating on the back porch on the seat of a picnic table at Windy Hill Outfitters Lodge. This bag of untagged marinating duck meat remained on the picnic table until the Agents left on November 13, 2009.

6. On or about November 10, 2009, after Agents Coil and Morrison returned to the Lodge following their morning hunt, they observed six untagged ducks lying on a table in the garage at Windy Hill Outfitters Lodge.

7. On or about November 10, 2009, Agents Morrison and Coil observed that Joseph Seibert, Joseph Ward, and Scott Moyer – who were all hunters from Pennsylvania – were standing in front of the Windy Hill Outfitters sign with their guide, Damien Rexrode, looking at ducks and a goose hanging from the sign. The Agents noted the ducks consisted of nine pintails. The daily limit for pintail ducks is one pintail duck, per hunter, per day. The Pennsylvania hunters told Agent Morrison that the three of them had shot the nine pintails and the goose, that morning, while being guided by Damien Rexrode. This hunt occurred in Marshall County, South Dakota. Mike Bishop was paid \$6,750 for this hunt by the three Pennsylvania hunters who shot the nine pintail ducks.

8. On or about November 11, 2009, Agent George Morrison observed 17 ducks, which had been killed by a group of Pennsylvania hunters, were left untagged on the Windy Hill Outfitters Lodge entrance sign after the hunters took their photographs. Those untagged ducks remained there all night, as witnessed by Agents Coil and Morrison.

9. On or about November 11, 2009, Varouck Manoogian, a hunter from Florida, hunted waterfowl without a State or tribal hunting license and subsequently killed one green-winged teal duck, in Marshall County, South Dakota. The teal duck was transported to Great Plains Taxidermy in Webster, South Dakota. This hunter was guided by Mike Evangelista. Mike Bishop was paid \$1,950 for this hunt by Varouck Manoogian from Florida.

10. On the evening of November 11, 2009, Damien Rexrode came from the garage to the main kitchen of the Windy Hill Outfitters Lodge with a plastic bag containing numerous duck breasts, placed it in the refrigerator, and told

Guide Jeremy Hoefs it was "camp duck meat." Agent Coil later looked through the bag and saw several untagged duck breasts. Guide Damien Rexrode told Agent Coil that they ate ducks two to three times a week at Windy Hill Outfitter's Lodge. Damien Rexrode also referred to the duck they ate as "camp meat."

11. On or about November 12, 2009, Agent Morrison noted that the ducks he and Agent Coil had killed that morning were lying on the seat of a picnic table in the garage at Windy Hill Outfitters Lodge. These 12 ducks were not tagged.

12. On or about November 12, 2009, seventeen untagged ducks, killed by six hunters from Pennsylvania, were observed lying on the cleaning station counter. Later that same day, Agent Morrison noted that a gadwall killed by Scott Moyer, a hunter from Pennsylvania, was lying on the chest freezer untagged, beside a white-fronted goose that was also untagged.

13. On or about between November 9, 2009, and November 12, 2009, Agents Coil and Morrison, while being guided by Jeremy Hoefs, shot 42 ducks, which is 18 ducks over their possession limit. On November 9, 2009, and again on November 10, 2009, the Agents were given tags in order to tag the waterfowl they took on those days. After hunting these two days, the Agents had reached their legal possession limit. On November 11, 2009, and again on November 12, 2009, the Agents were provided guided waterfowl hunts by Jeremy Hoefs, but the Agents were not given tags for the waterfowl they took on those days. On November 11, 2009, and again on November 12, 2009, Agents Coil and Morrison talked with Mike Bishop and Jeremy Hoefs regarding the issue of the Agents being over their possession limits for ducks. Both Mike Bishop and Jeremy Hoefs acknowledged they knew the Agents were over their possession limit. Mike Bishop was paid \$4,500 by the United States Fish and Wildlife Service for this undercover hunt, by the Agents.

14. On or about and between November 9, 2009, and November 12, 2009, Alex Aston, a hunter from Pennsylvania, hunted waterfowl without a State or tribal license and subsequently killed three ducks in Marshall County, South Dakota, that were transported to the Windy Hill Outfitters Lodge. Alex Aston was one of seven hunters in a group that was guided by Mike Bishop and Mike Evangelista for this hunt. Mike Bishop was paid \$2,250 to guide Alex Aston, from Pennsylvania, on this hunt.

15. On or about November 13, 2009, Agent Morrison observed that a drake pintail duck was hanging untagged above the cleaning station in Windy Hill Outfitters Lodge. Agent Morrison also observed a drake gadwall killed by Scott Moyer, a hunter from Pennsylvania, was still lying untagged beside an untagged white-fronted goose on top of the upright freezer in the garage of the Windy Hill Outfitters Lodge. Mike Bishop was paid \$2,250 to guide Scott Moyer from Pennsylvania.

16. On November 14, 2009, Stephanie Fischer, Bethany Fischer, and Kristi Johnson, all from Minnesota, hunted ducks on a small lake located across the road from the Windy Hill Lodge on non-tribal land. The three women only possessed Sisseton-Wahpeton nonresident waterfowl tribal hunting licenses. They were guided on this hunt by Jeremy Hoefs and Mike Evangelista. Mike Bishop took the hunters (via boat) to their hunting location. After the hunt, Guide Damien Rexrode picked the hunters up along with the ducks they had killed. The ducks that were killed were transported back to Windy Hill Outfitters Lodge. The three women had worked out an agreement in which they would take video footage for a promotional video for Windy Hill Outfitters Lodge, in exchange for their hunt.

17. On or about November 15, 2009, Stephanie Fischer, Bethany Fischer, and Kristi Johnson hunted at the same location as the previous day. They were guided by Jeremy Hoefs and Mike Evangelista. The three female

hunters from Minnesota killed two or three ducks. Guide Damien Rexrode drove the boat to retrieve the ducks and gear. The group showed Mike Bishop the ducks when they returned to Windy Hill Outfitters Lodge.

18. On or about November 17, 2009, three hunters from Pennsylvania, who were guided by Damien Rexrode, killed nine pintail ducks. The limit for pintail ducks is one, per person, per day. The hunters included Joel Noel, Doug Ingram, and Dan Ingram. After the hunt, Guide Damien Rexrode placed tags on these birds that falsely declared each hunter had killed one pintail, three days in a row. Mike Bishop was paid \$5,250 to guide Joel Noel, Doug Ingram, and Dan Ingram on this hunt.

19. On or about November 19, 2009, United States Fish and Wildlife Agent Ken Dulik and State of South Dakota Conservation Officer Bob Losco went to the Windy Hill Outfitters Lodge. While they were at the Lodge, the officers located and seized eight untagged ducks. They also seized breast meat (labeled "camp meat") from three untagged ducks.

COUNT II

On or about between the 22nd day of November, 2008, and the 25th day of November, 2008, in Marshall County, in the District of South Dakota, Mike Bishop, Mark Belote, and Vernon Renville did knowingly engage in conduct, that involved the sale and purchase of migratory birds, with a market value in excess of \$350, in that on or about the above-mentioned dates, Mike Bishop, Mark Belote, and Vernon Renville did knowingly guide, assist, take, possess, transport and sell migratory birds, that is three ducks and one goose, during a guided hunt by undercover United States Fish and Wildlife Service Agents, knowing that said migratory birds were being hunted, taken, possessed, and transported without a proper State of South Dakota license and Migratory Bird Certificate, in violation of SDCL 41-6-18.1; and did aid and abet others in committing the above-described offense, in violation of 16 U.S.C. §§ 703 and

707; all in violation of 16 U.S.C. §§ 3372(a)(1), 3372(a)(2)(A), 3372(c)(1), 3373(d)(1)(B), and 18 U.S.C. § 2.

COUNT III

On or about the 8th day of November, 2009, in Marshall County, in the District of South Dakota, Mike Bishop, and others known to the Grand Jury, did unlawfully sell, barter, and offer to barter migratory birds, in that they did serve and cause to be served to hunters at Windy Hill Outfitters Lodge, who had paid for room and board, migratory birds, and did aid and abet the unlawful sale, barter, and offer to barter migratory birds, in violation 16 U.S.C. §§ 703 and 707(a)(2) and 18 U.S.C. § 2.

COUNT IV

On or about between the 9th day of November, 2009, and the 19th day of November, 2009, in Marshall County, in the District of South Dakota, Mike Bishop, Vernon Renville, Mike Evangelista, Jeremy Hoefs, and Damien Rexrode did unlawfully hunt, take, kill, possess, and receive approximately 59 whole migratory birds and numerous breasted migratory birds, which were not properly tagged in accordance with federal law and regulations, and did aid and abet others in the unlawful failure to tag these migratory birds, in violation of 50 C.F.R. 20.36 and 20.37; 16 U.S.C. §§ 703 and 707(a); and 18 U.S.C. § 2.

COUNT V

On or about the 10th day of November, 2009, in Marshall County, in the District of South Dakota, Damien Rexrode did knowingly engage in conduct that involved the sale and purchase of migratory birds with a market value in excess of \$350, in that, on or about the above-mentioned dates, Damien Rexrode did knowingly guide, assist, take, and possess migratory birds, that is nine pintail ducks, taken during a guided hunt by hunters Joseph Seibert, Joseph Ward, and Scott Moyer, from Pennsylvania, all in excess of the daily bag limit of one pintail duck, per person, per day; and did abet others in

committing this offense, in violation of 50 C.F.R. 20.24 and 16 U.S.C. §§ 703 and 707; all in violation of 16 U.S.C. §§ 3372(a)(1), 3372(a)(2)(A), 3372(c)(1), and 3373(d)(1)(B) and 18 U.S.C. § 2.

COUNT VI

On or about and between the 9th day of November, 2009, and the 12th day of November, 2009, in Marshall County, in the District of South Dakota, Mike Bishop and Jeremy Hoefs, without being permitted to do so by regulation, as required by law, did aid and abet the taking of migratory game birds, to wit: ducks, by allowing undercover United States Fish and Wildlife Agents to possess waterfowl, over their possession limits, in violation of, and in a manner unlawful, under 50 C.F.R. 20.33; 16 U.S.C. §§ 703 and 707(a); and 18 U.S.C. § 2.

COUNT VII

On or about and between the 9th day of November, 2009, and the 12th of November, 2009, in Marshall County, in the District of South Dakota, Mike Bishop and Damien Rexrode did knowingly engage in conduct that involved the sale and purchase of wildlife, with a market value in excess of \$350, in that on or about the above-mentioned date, Mike Bishop and Damien Rexrode did knowingly sell and cause to be transported in South Dakota, three ducks, taken during a guided hunt by Alex Aston, from Pennsylvania, knowing that said wildlife was unlawfully taken, possessed, and transported without a proper license, in violation of, and in a manner unlawful under the laws and regulations of the State of South Dakota, specifically SDCL 41-6-18.1 and 16 U.S.C. § 703; all in violation of 16 U.S.C. §§ 3372(a)(2)(A), 3372(a)(1), 3372(c)(1), 3373(d)(1)(B) and 18 U.S.C. § 2.

COUNT VIII

On or about and between the 14th day of November, and the 15th day of November, 2009, in Marshall County, in the District of South Dakota, Mike

Bishop, Damien Rexrode, Mike Evangelista and Jeremy Hoefs did knowingly engage in conduct that involved the sale and purchase of migratory birds, with a market value in excess of \$350, in that on or about the above-mentioned dates, Mike Bishop, Damien Rexrode, Mike Evangelista and Jeremy Hoefs did knowingly guide, assist, take, possess, transport and sell migratory birds, that is four ducks, taken during a guided hunt by Stephanie Fisher, Bethany Fisher, and Kristi Johnson, hunters from Minnesota, knowing that said migratory birds were being hunted, taken, possessed, and transported without a proper State of South Dakota license and Migratory Bird Certificate, in violation of SDCL 41-6-18.1, and did aid and abet others in committing this offense, in violation of 16 U.S.C. §§ 703 and 707; all in violation of 16 U.S.C. §§ 3372(a)(1), 3372(a)(2)(A), 3372(c)(1), 3373(d)(1)(B), and 18 U.S.C. § 2.

COUNT IX

On or about the 17th day of November, 2009, in Marshall County, in the District of South Dakota, Mike Bishop and Damien Rexrode did knowingly engage in conduct that involved the sale and purchase of wildlife with a market value in excess of \$350, in that on or about the above-mentioned dates, Damien Rexrode and Mike Bishop did knowingly guide, assist, take, possess, migratory birds, that is nine pintail ducks, taken during a guided hunt by hunters Joel Noel, Doug Ingram and Dan Ingram, from Pennsylvania, all in excess of the daily bag limit of one pintail duck, per person, per day; and did aid and abet others in committing this offense, in violation of 50 C.F.R. 20.24 and 16 U.S.C. §§ 703 and 707; all in violation of 16 U.S.C. §§ 3372(a)(1), 3372(a)(2)(A), 3372(c)(1), 3373(d)(1)(B), and 18 U.S.C. § 2.

COUNT X

On or about 17th day of November, 2009, in Marshall County, in the District of South Dakota, Mike Bishop and Damien Rexrode did submit a false record, account, or label for wildlife, which was intended to be transported in

interstate commerce, that is nine pintail ducks, taken by hunters Joel Noel, Doug Ingram, and Dan Ingram, from Pennsylvania, knowing that said wildlife was unlawfully taken, possessed, and transported in excess of the daily bag limit, in violation of, and in a manner unlawful, under the laws and regulations of the State of South Dakota, specifically SDCL 41-11-4 and 16 U.S.C. § 703; all in violation of 16 U.S.C. §§ 3372(d)(2), 3372(c)(1), and 3373(d)(3)(A)(ii) and 18 U.S.C. § 2.

A TRUE BILL:


FOREPERSON

BRENDAN V. JOHNSON
United States Attorney

By: 